

**BEFORE THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION**

INQUIRY CONCERNING A JUDGE,

SC12 - 2495

JUDITH W. HAWKINS, NO.11-550

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ANSWER TO NOTICE OF FORMAL CHARGES

COMES NOW the Respondent, JUDGE JUDITH W. HAWKINS, by and through under-signed counsel, and hereby files this Answer to Notice of Formal Charges filed on December 5, 2012, and states:

1. Admitted.
2. Admitted in part; Denied in part.
 - a. Admitted that the Gaza Road Ministries website contained three pictures of Respondent in a judicial robe.
 - b. Denied that these pictures lent prestige to advance Respondent's private interest. Respondent was simply stating a fact in her biography. She is a judge and no purpose would be served by concealing this fact to readers of the Gaza Road Ministries website.
 - c. Two of the pictures showed Respondent speaking to second graders at Oakridge Elementary School where she volunteered weekly for eight years. The teacher asked her to wear her robe, which she did. Oakridge Elementary School nominated Respondent for the 2006 *Tallahassee Democrat* Volunteer of the Year for Education Award, which she received. Respondent did not intend to advance a private interest by using these pictures, rather they show her commitment to community service.

3. Admitted in part; Denied in part.
 - a. Admit that Respondent's only published book was sold at the Leon County Courthouse to those who desired to purchase the \$15 book. The Complaint alleges "books." Respondent requests a more definite complaint as to the sale of more than one book.
 - b. Respondent gave away study guides and other publications and requests a more definite complaint as to the sale of these materials.
 - c. Denied that the sale of the book took advantage of any disparity in authority. Respondent has served at the Courthouse for over 15 years and has developed friendships with court personnel.
 - d. Respondent was excited about the publication of her first book, *Old Stories, New Insights*, which is a 90-day devotional examining the lives of 13 women in the Bible. At no time was it Respondent's intention for her excitement and sharing of her book with others to be misconstrued as using her position to promote a private interest. Rather, Respondent's intention was only to share her writings, which come from the heart, in the spirit of hope that readers would gather strength, find encouragement, gain insight and healing.
4. Without a more definite complaint, I cannot respond to the allegations.
 - a. Gaza Road Ministries materials were created and edited on Respondent's own time and using her own equipment. The book was written the first half of 2008 at Respondent's home during pre-dawn and non-office hours.
 - b. Respondent's judicial assistant did not work on Respondent's book during work hours. The Court office computer programs are different and incompatible to those used for Gaza Road Ministries publications.
 - c. Gaza Road Ministries events were treated and scheduled in the same manner as all other invitations and events necessitating Respondent's attendance.
5. Without a more definite complaint, Respondent cannot respond to the allegations. Respondent was not aware of any prohibition against a judge creating a ministry which produces income.
6. Denied. Respondent affirmatively states that at no time has participation in Gaza Road Ministries been to the "detriment of the prompt and efficient administration of justice."

AFFIRMATIVE DEFENSES

1. Respondent was not aware that her First Amendment rights to freedom of religion and assembly would be limited by her involvement in Gaza Road Ministries.
 - a. Gaza Road Ministries is a religious ministry of speaking, preaching, and presenting workshops on various biblical and legal issues, especially domestic violence. Respondent was board certified in marital law before becoming a judge. In addition, Respondent's educational background includes a graduate degree in Human Development and Family Relations.
 - b. The source of income to the business is from Respondent's presentations and the sale of written materials produced in conjunction with the speaking engagements. These materials have been almost exclusively sold during the events.
 - c. Respondent consistently managed her full judicial responsibilities, without disruption, while maintaining Gaza Road Ministries engagements.
2. Respondent was not aware of a prohibition upon judges' creation of a for-profit enterprise; especially when the products sold are the judge's speaking, presentation and written materials. In this case in particular, Respondent's speaking, presentations, and written materials are primarily related to religious themes and experiences, such as her ten-year history of participating in international non-judicial mission trips. Her experience as a judge allows her to inter-relate legal and spiritual issues in such a way that her sermons, workshops, and written materials explain, broaden, and enlighten.
3. Respondent was not aware of a prohibition upon judges' creation of a ministry.
 - a. In addition to Respondent's yearly charitable contributions, Gaza Road Ministries was created to provide an additional revenue stream which permits Respondent to further her mission of helping others in need. Gaza Road Ministries net income has been expended in a variety of ways, including paying for temporary housing for homeless people, helping struggling parents pay for their children's expenses, assisting unemployed women with professional and spiritual expenses, conferences, cash gifts to those in need, and contributions to several charitable organizations.
 - b. Respondent affirmatively responds that funds generated by Gaza Road Ministries has not adversely influenced or impacted Respondent's performance of judicial duties.

4. Respondent affirmatively states that Gaza Road Ministries did not take her away from her performance of judicial duties to the detriment of her prompt and efficient administration of justice.
- a. Over the years of experience gained as a county judge, Respondent has established policies and procedures which efficiently and effectively manage judicial duties.
 - b. Like other trial judges, Respondent is available after work hours to assist law enforcement in the exercise of their duties. For instance, Respondent signs warrants in the middle of the night and on weekends. One time Respondent left her Mother's hospital bedside to meet an officer in the emergency room to sign a warrant.
 - c. Like other trial judges experience, each day's demands upon judicial time changes. Judges must be and are required to be flexible and accommodating to these daily changes. Gaza Road Ministries has never prevented Respondent from always being willing, ready, and available to fulfill her duties..
 - d. As a county court judge, Gaza Road Ministries has enhanced and improved Respondent's judicial performance. The Ministry allows her to come face to face with real life situations and needs of members of her local community, nation and world. Respondent believes she is better equipped to apply the law with greater fairness and justice.

WHEREFORE, JUDGE JUDITH W. HAWKINS respectfully requests that the Panel enter judgment dismissing the complaint and grant such other relief as the Panel deems just and proper.

Dated this 20th day of December, 2012.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Answer to Notice of Formal Charges has been furnished by U.S. Mail and Electronic Mail to: David L. McGee, Esq. and Gregory R. Miller, Esq., Beggs & Lane LLP, 501 Commendencia Street, Pensacola, FL 32501, Michael L. Schneider, Esq., Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, FL 32303, and Clerk of the Court , Florida Supreme Court, 500 South Duval Street, Tallahassee FL 32399.

Gerald Kogan
Counsel for Respondant